

# CUBA AND THE PLATT AMENDMENT

by

RAYMOND LESLIE BUELL

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## INTRODUCTION

ON May 20 Gerardo Machado y Morales will begin a second term as President of Cuba. Although no candidate opposed him for re-election, considerable opposition has developed since his re-election. On February 27 the Cuban Government arrested nine persons charged with plotting to overturn the government. The leader of this group declared that there was no truth in the statement that a plot existed against the life of the President. A leader of the *Unión Nacionalista* stated in New York that these arrests were a ruse whereby President Machado was doing away with opposition. He also charged that the government was a dictatorship which had committed many abuses. President Machado's secretary replied that these charges were absolutely untruthful and five Havana newspapers cabled the *New York Times* that Cuba supported the present government "en masse."

The situation in Cuba is of the greatest interest and importance to the United States. Our investments in Cuba—amounting to \$1,150,000,000—are exceeded only by our investments in Canada. Cuba supplies one-half the sugar consumed by the American people. The United States has an important naval station at Guantánamo. In addition to these economic and naval connections are the obligations which the United States has assumed toward Cuba under the Platt amendment.

Cuba depends for its existence upon the sugar crop, most of which is exported to the United States. The special session of Congress, which meets April 15, will consider proposals to increase the duties on sugar. Cubans fear that such action will further obstruct Cuban trade and thus intensify the present industrial depression.

The Cuban Government is not only protesting against an increased American tariff, but it is also attempting to secure a reduction of duty on Cuban sugar entering the American market. On March 20 President Machado proposed to Secretary Kellogg the free admission into the United States of 2,500,000 tons of sugar. It is thus possible that the action of the United States Congress in either raising or lowering the duties on sugar may have an important bearing upon the internal situation in Cuba.

The purpose of this report is, first, to review the internal political situation in Cuba. It points out that President Machado more than once declared that he would not accept a new term, but that in November 1928 he was re-elected, without being opposed by any candidate, for a new term of six years. Charges have been made that President Machado is a dictator, that he controls Congress by means of the lottery, that he prevents freedom of discussion and the organization of independent political parties, and that he uses stern measures in suppressing opposition generally. On the other hand, President Machado claims to be supported by the vast majority of the people, and he has been praised by the Constitutional Convention as a great and progressive statesman.

In forming a judgment in regard to the assertions made concerning Cuba, it is desirable not to forget the historical background of the country, nor the existence of conditions in other countries of the world which may not be in conformity with absolute standards of good government or democracy.

The report also raises the question of whether or not the United States has the

duty of inquiring into the internal situation in Cuba by virtue of the Platt amendment. It traces the origin of, and the various interpretations given to the amendment in the past. It shows how the United States has consistently opposed revolution in Cuba, and that at times it has followed a policy of "preventive" intervention, *i.e.*, preventing conditions from arising that might lead to injury to foreign interests.

Under the Platt amendment, the United States could continue to oppose revolutions in Cuba without inquiring into the internal situation; or it might actually supervise elections in Cuba, as it has in Nicaragua. The United States might terminate the Platt amendment altogether; or, finally, the Platt amendment might be converted into an international treaty of guarantee.

### MACHADO'S NO RE-ELECTION PLEDGE

President Machado was elected President of Cuba in 1924, for a four-year term, on a platform pledged to overcome the economic depression of the Island and to bring about economic development.<sup>1</sup> According to the Constitutional Convention which met last May, the achievements of the Machado administration during its first four years were as follows:

"There have been no foreign interferences, nor violent convulsions such as impoverished the Republic during its first twenty-five years. The parties have moved forward in an exalted collaboration. Aided by this, the solvency of the State has been reestablished, by means of the payment of its debts; the administration of Justice has been purified; great improvement has been made in the prison system; means of communication have been multiplied, and noteworthy improvements have been made in the paving and sewerage of our more important cities. Our system of public instruction has received an impetus which places it on a par with that in the most progressive countries. The University, heretofore in decadence, has suffered extraordinary transformation; throughout all the country classes, night schools, circulating schools and those of domestic economy have been multiplied, as well as all those which raise the level of preparation of the Cuban woman. Furthermore, several commercial academies have been created and the Industrial School, housed in modern buildings made possible by the generous gift of the President of the Republic himself, is nearing completion. The average of attendance at these centers of learning from the University down to the most elementary, attains a figure which compares favorably with that of the most civilized nations. When the construction of the 1,200 kilometers of central road is terminated—a project which is already

greatly advanced—we will be the country of America which boasts the greatest mileage. . ."

Hitherto, the President of Cuba has served for a term of four years and has been eligible for a second term.<sup>2</sup> But the experience of Cuba as well as other countries has seemed to indicate that this system tempts some Presidents to allow the desire for re-election to influence their administration, and even to control the election machinery to prevent the Opposition from fairly registering its views at the polls.<sup>3</sup> To do away with this danger, certain countries have provided for a single term for the Presidency—a principle supported at one time by the Democratic party in the United States—and sentiment in favor of a single term for the President has also existed in Cuba.

In his election manifesto of September 1924, Mr. Machado, the candidate of the Liberal party, declared:

"A Liberal President cannot be re-elected. This is now a noble tradition—the most noble of this party." He declared it would be a profound satisfaction to have accomplished the program of the Liberal party "when I hand over the power to my successor after four years in office, for no power on earth will keep me in it one single day longer. . . ."<sup>4</sup>

This pledge was repeated. In a speech at Holguin on July 26, 1927 President Machado declared that he could "never accept" office

1. The economic situation is not reviewed in this report. The sugar industry of Cuba and the general economic depression may, however, be discussed in a subsequent issue.

2. Cf. Vicente Pardo Suárez, *La Elección Presidencial en Cuba*, p. 128.

3. For the case of Presidents Palma and Menocal, cf. p. 47, 53.

4. *Diario de la Marina* (Havana), September 10, 1924.

after May 20, 1929, "because a man who had never failed to keep his word, a man whose lips had never been defiled by a lie, would lower his dignity, and dishonor himself, if after a political labor of twenty-five years during which he opposed the principle of re-election with the word and the sword in two revolutions, he should now accept this principle for himself."<sup>6</sup> Nevertheless, in November 1928, President Machado stood for re-election without any candidate in opposition, and was re-elected for a term of not four but six years. This re-election involved certain constitutional amendments which may be briefly reviewed.

At the recommendation of President Zayas, the Senate in 1921 had recommended the adoption of amendments to the Cuban Constitution which provided, among other changes, for a single six-year term for the Presidency.<sup>6</sup> Cubans state that no further action was taken on this proposal because of the alleged opposition to the measure from the United States Government, conveyed in 1921 by General Crowder, the special representative in Cuba of the President of the United States.<sup>7</sup>

Following the inauguration of President Machado, the proposal was revived. On March 28, 1927 the House of Representatives passed a resolution of amendment<sup>7a</sup> which provided not only for a single six-year term of the Presidency, but also for the prolongation of the term of President Machado for two years.

The reforms likewise provided for the extension of the term of Congressmen from four to six years, and of Senators from eight to nine years; and they provided in some cases for the prolongation of the term of Representatives now in office until 1933, and of Senators until 1935.<sup>8</sup>

5. *Diario de la Marina*, July 27, 1927.

6. This reform was also discussed in 1913. Amendments to the Cuban Constitution require a two-thirds vote of both Houses of the Cuban Congress. An election is then held for a constituent convention.

7. A. Hevia, *Contra las Reformas Constitucionales y la Prórroga de Poderes* (Havana), p. 37.

7a. Later passed by the Senate.

8. The reforms abolished the position of Vice-President, but provided that the Secretary of State should succeed the President in case of vacancy. They provided for a number of other changes. Cf. *Acuerdo del Congreso de la República de Cuba sobre Reforma de la Constitución*. Havana, 1927.

Moreover, a provision was inserted to the effect that any amendment to lengthen the term of any elective functionary for a greater time than that for which he was elected, or providing for the re-election of the President, should require the unanimous vote of each house of Congress and of three-fourths of the members of the Constitutional Convention, and be ratified by a three-quarters of a majority of the electorate.<sup>9</sup>

President Machado declared in a statement of June 25, 1927: "I can accept this prolongation [for two years] with the tranquil conviction that I abandon a legitimate right [of re-election] and decline a term of power which the Constitution granted me . . . and that it will permit me, moreover, to fulfill before History the pledge of No Re-election."<sup>10</sup>

According to the Cuban Constitution, amendments passed by the Congress must be submitted to an especially convened constitutional convention. On March 5, 1928 elections for this convention were held. Each of the three organized parties, the Liberal party, the Conservative party, and the Popular party, supported the reforms.

In April 1928 the Constitutional Convention convened under the presidency of Dr. Antonio Sánchez de Bustamante. On May 9, 1928 the delegates drew up a document part of which declared:

"Cuba is in the midst of one of those periods of intense constructive reality which from time to time absorb all the magnificent vitality of a people. . . . And we must not forget that this happy transformation is due in great part to the fact that a leader, in whom are found the exceptional qualities of the great builders of nations, has been in power with the purpose of improving the people and with the desire of profiting by the experiences of a quarter of a century lost in the task of forming our nationality. History speaks with indisputable eloquence. Nations are founded by the heroism of many. Almost always the culture, progress, order and peace of a nation in the process of

9. *Acuerdo*, p. 12. This provision was retained in the final amendments.

10. "Manifiesto del Presidente General Machado Al País." *Ibid.*, p. 22. An official writer states: "General Machado could aspire to re-election with the support of all the people—but he renounced this right, in order to insure the tranquility of Cuba in the future." In thus supporting these reforms, General Machado was therefore "disinterested." Dr. J. R. Aybar, *La Reforma Constitucional*, Havana, 1927, p. 38.

formation is due to the personal effort of a great statesman.

"This is the path the future seems to hold for us. Therefore, the Constituent Assembly does not vacillate in reaffirming that General Gerardo Machado y Morales, because of the obligation he has contracted and because of his rôle as founder of the Republic, is unavoidably bound to accept a new presidential period."

Consequently while they adopted the principle of a single six-year term for the Presidency, they decided, that this principle should apply only to the first elections held under the amended Constitution. It would not apply to the 1925-1929 term of President Machado. The amendments as finally adopted omitted therefore the original provisions in regard to prolonging the term of the present administration, but provided henceforth for a single six-year Presidential term,<sup>11</sup> a six-year term for Representatives, and a nine-year term for Senators. The President also automatically becomes Senator for six years at the expiration of his term. Other amendments provided for the incorporation of the Isle of Pines in the territory; for the "intervention of minorities" in the Senate; for the suppression of the Municipality of Havana and the creation in its place of a Central District; and for the increase from four to six in the number of Senators from each province. Congress is also authorized, by a two-thirds vote, to grant woman suffrage.<sup>11a</sup>

President Machado's first term expires in May 1929, and Presidential elections for the next term were therefore held in November 1928. As far as the voting list was concerned, no candidate opposed President Machado for re-election: all of the three political parties united in support of the present incumbent—the so-called *candidatura única*.<sup>12</sup>

Thus Cuba has adopted a constitutional reform extending the Presidential term from four to six years, without any opposi-

tion. And the President of Cuba has been re-elected without being opposed by any other candidate. Nevertheless, President Machado has stated that opposition to his administration exists. In a speech at Santa Clara on December 30, 1928 he declared:

"I know that I do not have the unanimous support of the Cuban people and this pleases me because opposition . . . is legitimate and necessary."<sup>13</sup>

Why, therefore, has not this opposition expressed itself through political machinery? Opponents of the present government state that the absence of opposition to such important measures in Cuba creates the presumption that, while the form of constitutional procedure may have been observed, the democratic substance has been lacking. They declare that there is no legal opposition (1) because of the control of members of the Cuban Congress through the lottery, and (2) because of government control over the organization of political parties and the suppression of freedom of discussion.

#### THE GOVERNMENT LOTTERY

The government lottery in Cuba dates back to the Spanish régime. Although the American military occupation of 1899-1902 suppressed the lottery, the Cuban Congress revived it in 1909 and it is in full swing today.<sup>14</sup> Professor Chapman states that "the history of the government lottery in Cuba constitutes one of the darkest chapters in the story of the republic."<sup>15</sup>

Under this system lottery tickets are sold to the public, and the person drawing the lucky number receives a prize. Every ten days the government issues between 20,000 and 30,000 lottery tickets to about 2,000 collectorships. The nominal price of each ticket is \$20, but in practice each collectorship charges some times as high as \$30.<sup>16</sup>

13. *Diario de la Marina*, December 31, 1928. On July 17, 1927 Machado made a speech saying that he was a dictator: "Dictador, sí, pero dictador de la decencia, dictador de lo más sagrado de la tierra, de la democracia y de la libertad." *El País* (Havana), July 17, 1927.

14. For details of the lottery, cf. C. E. Chapman, *A History of the Cuban Republic*, Chapter XXIII. Cf. also "Los Crímenes que incube en Cuba la Lotería." *El Nacional* (Havana), December 10, 1927, p. 1.

15. *Ibid.*, p. 547.

16. These tickets are usually sold in a hundred sections at 30 cents a section.

11. I.e., re-election for two successive terms is prohibited. The fact that the convention did not merely accept or reject the amendments proposed by Congress, but instead made new proposals, was attacked as unconstitutional. Cf. De Heredia, "Las Facultades de la Constituyente," *Excelso* (Havana), May 4, 1928.

11a. *Gaceta Oficial* (Havana), Ed. Extra. 6, May 11, 1928.

12. This was not in conformity with a provision in the Crowder code forbidding parties from uniting on a joint candidate—a provision that had since been repealed.



The difference between the legal and actual price represents a profit which goes to the collectorship. The allocation of these collectorships is in the hands of the President. In the past he has allocated the receipts of several hundred of these collectorships to Senators and Representatives,<sup>17</sup> retaining the profit of a large number of them for himself. In 1925 Professor Chapman estimated that the lottery yielded a personal return to the President and the Director-General of the Lottery of about \$3,000,000 a year.<sup>18</sup> No legislation has been enacted

to suppress the lottery; and it is charged that the present administration employs the lottery for political purposes, as it has been employed in the past.<sup>19</sup> However, in an interview on February 11, 1928, President Machado told Señor Iglesias, the Secretary of the Pan American Federation of Labor, that "many politicians had come to solicit from him personal benefits in the collectorships of the lottery"; that he had "declined to concede them such privileges and it was thus that some of the enemies of the government had been made."<sup>20</sup>

### THE CROWDER ELECTORAL CODE

Secondly, opponents of the present régime state that the government now controls the organization of political parties and prohibits freedom of discussion. To insure a vigorous party system and fair elections generally, the Cuban Congress enacted in 1919 what is called the Crowder Electoral Code. General Enoch H. Crowder went to Cuba at the request of the two leading parties to assist in the drafting of this code, which is a highly technical and elaborate document, filling a book of 312 pages.<sup>21</sup>

The first few chapters define the right of suffrage, fix the date of elections, and lay down principles of eligibility for public office. Chapter V provides that the code shall be applied by a series of Electoral Boards. The Central Board is composed of a member of the Supreme Court, a magistrate, a professor nominated by the Faculty of Law of the University, and members appointed by each organized political party who do not have the right to vote. The code prescribes in detail the method of registration of voters, the filing of candidacies, and the counting of votes. Non-partisan "Electoral Inspectors" are authorized to assist in the enforcement of the code, and

electoral colleges select the President, Vice-President and Senators.

The Crowder Electoral Code also contains a number of provisions to prevent party combinations and to prohibit party organization from becoming dominated by a self-interested political class. Thus Article 120 of the code prohibits the same person from running on two party tickets. It provides that each party shall have a series of Assemblies and Executive Committees.<sup>22</sup> The lowest assembly, consisting of the party members in the ward, elects delegates to the municipal assembly; the municipal assembly elects delegates to the provincial assembly; and the provincial assembly elects delegates to the national assembly. The local assemblies nominate candidates for local offices, while the national assembly nominates Presidential candidates, as do the party conventions in the United States. When the assemblies finish their work, they are dissolved and the management of the party is placed in the hands of the Executive Committee. No government functionary can be elected delegate to a party assembly (Article 287). Each political party is to be reorganized periodically, and the code makes provision for independent candidates and for the organization of new parties. (Articles 116, 282.)<sup>23</sup>

17. *Ibid.*, p. 557.

18. *Ibid.*, p. 556.

19. Cf. p. 44.

20. *Informe Sobre Cuba*, Pan American Federation of Labor, April, 1928. p. 14.

21. *Código Electoral*, República de Cuba, 1919.

22. Articles 284, 294.

23. The Crowder code did not apparently guarantee a fair election in 1920. Cf. p. 58. The code had provided that where the ratio of voters to population was one per cent higher than at the preceding election, the election was presumptively fraudulent, and, if more than three per cent, conclusively so. In 1922, 512 out of the 1,193 voting districts showed a one per cent increase in voting ratio, while 294 showed an increase of more than three per cent. Chapman, *op. cit.*, p. 575.

It is now charged that in laws passed in 1920, 1921, 1922, 1925 and 1927<sup>24</sup> the Cuban Congress has whittled away the guarantees of the Crowder Electoral Code. Specifically, it is charged that the provisions for the periodic reorganization of political parties, prohibiting officials from serving on party assemblies, and requiring separate candidates for each party have been set aside. As a result of these amendments, it is charged that it has become virtually impossible for any independent group to organize as a party and run candidates for Congress or other public office.

One writer states:

"The delegates to the Constitutional Convention will really be designated by the Executive Committees of the three political parties. . . . It is said that the selection will not even be made by these Executive Committees, but that a list will be drawn up at the Palace by one person: the President of the Republic—the Executive Committee accepting these designations . . . . The voter opposed to prolongation will not have any one for whom to vote."<sup>25</sup>

Another writer declared that, as a result of the amendments to the Crowder Electoral Code, "the public life of Cuba has been placed in the hands of an audacious and unhampered oligarchy which has abolished the suffrage in order to monopolize public functions."<sup>26</sup>

### ALLEGED SUPPRESSION OF OPPOSITION

#### TREATMENT OF CUBAN LABOR

Finally, it is charged that the government has prohibited by various means opposition to its policies, whether in regard to constitutional amendments or economic policy. These charges first arose in connection with labor troubles in 1925. In that year a railway strike was vigorously suppressed by the Machado government on the ground that the strike would injure the sugar crop. In February 1928 President Machado told Senator Iglesias that the strike had to be suppressed because "foreign firms had appealed to the government of Washington and of other nations soliciting protection, which signified the threat of a new intervention."<sup>27</sup> During the following year or two the Machado government was charged with resorting to extreme measures in suppressing the Cuban labor movement generally. According to Mr. William Green, President of the Pan American Federation of Labor, these complaints became so numerous as to "warrant the conclusion that a condition of virtual terrorism existed. . . . The stories of extreme cruelty, assassination and inhuman treatment

were so amazing that they seemed incredible."<sup>28</sup>

On February 26, 1927 Mr. Green wrote to the Cuban Ambassador in Washington presenting "certain allegations, information and facts, together with the names of many persons who, it is alleged, have been assassinated because of their association with and their activities in behalf of bona-fide labor organizations to which they belonged in Cuba."<sup>29</sup>

In reply, Dr. Ferrara, the Cuban Ambassador, said:

" . . . what is most important in these accusations is that referring to the assassinations. The deeds presented are so fantastic as to render them unbelievable.

"The list of deaths is worthy of other epochs on account of their length. Almost all of the names given are of strangers who have abandoned voluntarily or by force the territory of the Republic. Almost all of these strangers had been banished from other countries, arriving in Cuba to initiate a social revolution. . . .

"Thomas Grant was undoubtedly assassinated. It is not known by whom. But there is one thing sure, if he had not been murdered he

24. For a documented account, cf. Colonel R. M. Peñate, "Contra la Soberanía del Pueblo," *El Nacional*. Hevia, *Contra las Reformas Constitucionales*, p. 44.

25. Roig de Leuchsenring, "La Convención Constituyente está Incapacitada para Conocer de la Prórroga." *Carteles* (Havana), November 6, 1927.

26. A. Hevia, *op. cit.*, p. 52. Cf. also *A Nuestros Correccionarios y Al País*, Manifiesto of the Unión Nacionalista.

27. *Informe Sobre Cuba*, p. 14.

28. *Proceedings of the Fifth Congress of the Pan American Federation of Labor*, 1927, p. 43. Detailed charges were published by Chester M. Wright in *International Labor Service*, March 1927, and in the Scripps-Howard newspapers. Cf. *Washington News*, March 3 and 4, 1927.

29. *Proceedings*, p. 44. He invoked the Platt amendment as the basis of protection. Cf. p. 46. The Argentina Federation of Labor sent to the South American press a manifesto containing charges against the Machado government. *Heraldo de Cuba* (Havana), October 14, 1927.

would murder. . . Varona was assassinated also, but, as it appears, not on account of labor difficulties, but on account of personal differences arising on account of labor fights. It is true that the culprits have not been discovered. But if fifty per cent of the crimes committed in New York, in London, in Paris, in Rome are not discovered, how [can] Cuban justice be obliged to discover the crimes committed in the open."

On March 29, 1927 Dr. Carlos Manuel de la Cruz stated in the Cuban House of Representatives that "since 1925 a policy of arrests and expulsions in regard to workmen has been pursued. Men have disappeared from many homes; many laborers have entered military prisons."<sup>30</sup>

In an interview with Senator Iglesias, on February 11, 1928, President Machado declared that his "administration had worked to improve the condition of laborers," and that he favored "'just strikes.'" He had, however, suppressed general strikes, radicalism and violence. Except for a few corrupt politicians "the entire population of Cuba supported his policy."<sup>31</sup>

Senator Iglesias asked President Machado "to prohibit absolutely the system of using police in the meetings of labor organizations." From various sources Senator Iglesias had been told of "sad and even grotesque instances of persecutions against labor leaders who had disappeared, of the suppression of public liberties and of labor organizations."<sup>32</sup>

Opponents of the present régime state that a policy of repression has been applied not only to labor leaders but to others in the disfavor of the government. In July *El Día* printed an article asking if it was proper for President Machado to be connected with a certain electric light company in Cuba.<sup>33</sup> In the next month, the editor of *El Día*, Armando André, was assassinated.<sup>34</sup>

## OPPOSITION TO CONSTITUTIONAL REFORMS

Although the three organized political parties supported the constitutional reforms, a number of distinguished Cubans, such as Colonel Carlos Mendieta, Cosme de la Torriente, Enrique José Varona, Domingo Méndez Capote, Aurelio Alvarez, Vicente Pardo Suárez, Emilio Roig de Leuchsenring and others, protested against them. Some of these Cubans organized a group called the *Unión Nacionalista*, and attempted to hold meetings to protest against the reforms.

Although the Constitution of Cuba guarantees freedom of assembly and although in many cases permits for meetings were actually granted by local mayors, government troops and police broke up meetings at Santiago de las Vegas, Regla, Los Palacios, Marianao, Batabanó and Matanzas.<sup>35</sup> The reason given by the Colonel of the Army for suppressing the meeting at Matanzas was that "the orators were expressing views disrespectful of the Executive."<sup>36</sup> In November 1927 the Council of War sentenced Captain Pereira to two weeks' imprisonment "because he had not acted energetically against the orators of the Nationalist party which occupied the forum in the meeting recently celebrated in the City of Calimete."<sup>37</sup> When an attempt to hold a demonstration in honor of Colonel Mendieta in Havana was made in October 1927, it was dissolved by the police.<sup>38</sup>

In the spring of 1927 a meeting of students at the University of Havana was held to protest against the constitutional reforms, on the ground that they would be the beginning of a prolonged and legalized dictatorship.<sup>39</sup> This meeting was broken up by the police. About the same time the Directorio Estudiantil Universitario issued a pamphlet<sup>40</sup> defending the right of university students to discuss politics and attack-

30. *Diario de la Marina*, March 29, 1927.

31. *Informe Sobre Cuba*, p. 14.

32. *Ibid.*, p. 16.

33. *El Día*, July 1, 1925. A few days previously *El Día* had published a statement from President Machado declaring he had terminated his business connections upon becoming President. *El Día*, June 11, 1925.

34. *El País*, August 20, 1925.

35. Hevia, *op. cit.*, p. 56.

36. *El Mundo* (Havana), October 3, 1927.

37. *La Prensa*, Havana, November 27, 1927, p. 8.

38. Cf. *La Prensa*, Havana, November 4, 1927; and Hevia, *op. cit.*, p. 61.

39. Cf. *El País*, May 7, 1927. "President Machado's Empty Buildings," *The New Student*, April 11, 1928.

40. *Contra La Prórroga de Poderes, Al Pueblo de Cuba*.

ing the reforms. In July the government arrested about 150 workers, students and intellectuals. In November 1927 students protesting against some of these imprisonments tore down a table at the university dedicated to President Machado. Following this incident, the President ordered the university closed, and twenty students were expelled. The buildings were used by the Pan American Conference in January 1928. The university was subsequently re-opened in March 1928.<sup>41</sup>

In April 1928 the "Directorio de los Estudiantes de la República de Cuba" issued a manifesto to the press and the "intellectual youth" of America which declared in part:

"There is no free press in Cuba. That which exists is threatened with death or silenced by bribery.

"Neither does the right to life exist. Not only are workmen killed, but all those who protest against the existing dictatorship.

"The ship 'Maximo Gómez,' anchored in the bay of Havana, is the destined port of exit of hundreds of foreigners who are deported iniquitously, without being permitted the right of defense.

"The Cuban Congress is a fiction. It is bought by Machado with the money of the Lottery. The President has in his hands nearly eight million dollars annually to finance the Dictatorship. . . .

"Cuba is under the reign of terror and crime. . . .

"The Cuban fortress is the momentary asylum of those who are to be assassinated in Havana. A few days ago, there was found in the stomach of a shark the arm of the luckless laborer, Bruzón, who had been in prison in that fortress. . . ."<sup>42</sup>

On January 10, 1929 a Cuban student leader, Julio Antonio Mella, was shot and killed in Mexico City.<sup>43</sup> Before dying, Mella made a declaration to the police to the effect that "his aggressors were two individuals sent to assassinate him by the Government of Cuba, because of his Communist ideas contrary to the said government."<sup>44</sup> The

Cuban Ambassador in Mexico City declared that charges that his government had any responsibility in the matter were unfounded.<sup>45</sup>

In the spring of 1928 two members of the Machado Cabinet resigned. The first was Dr. Rafael Iturralde, Minister of War, who was charged with organizing a political campaign against Machado and negotiating a loan for this purpose with certain foreign corporations.<sup>46</sup> As a result of these charges, Iturralde was asked to resign. On May 28 Colonel Blas Masó was shot while on the balcony of his house. Dr. Iturralde was the first to visit him at the hospital, where he declared that Masó had been working in favor of his Presidential campaign.<sup>47</sup> The Cuban police "were not able to clear up the mystery" of Masó's death. On June 7 Iturralde left Havana for the United States in an airplane. In New York he stated to the Associated Press that he had been forced to flee because of his opposition to President Machado. He declared that "countless assassinations have been perpetrated by orders of the government through its agents. All constitutional liberties have been suppressed."<sup>48</sup>

In April 1928 Señor Rogerio Zayas Bazán, Minister of the Interior in the Machado government, resigned. The *Heraldo de Cuba* summarizes what purported to be his letter of resignation:

"Scarcely had General Machado taken the reins of power when his conduct suffered a radical change. Day by day his decisions became more and more arbitrary and his methods more severe until all liberties were completely eclipsed.

"In Cuba the suffrage has been once more emasculated; the principles of the constitution have been violated; freedom of thought has been repressed; the directors of Cuban politics have been bought, sometimes by seduction; but more frequently through interest; this purchase ignoring the rights and functions of the electorate. . . . Civil guarantees are almost non-existent. . . ."<sup>49</sup>

41. *El País*, March 2, 1928.

42. For details in regard to the case of Bruzón, cf. *El País*, March 6, 1928; *Diario de la Marina*, March 10, 1928; *El País*, March 15, 1928.

43. He had been expelled from Cuba in 1925 after leading an agitation.

44. *Excelsior* (Mexico City), January 20, 1928, p. 3.

45. *New York Times*, January 12, 1929. Apparently the case is still under investigation. *La Prensa* (New York), February 16, 1929.

46. Cf. *La Prensa* (Havana), April 23, 28, 1928.

47. *Diario de la Marina*, May 28, 1928.

48. *New York American*, March 2, 1929.

49. *Heraldo de Cuba*, April 28, 1928.



In August 1928 Señor Bartolomé Sagaró, former Representative, who had attacked the pro-Hispanic policy of the government, was mortally injured. It was reported that he had been attacked with a "blackjack."<sup>49a</sup>

In February 1929 the director of the *Heraldo Comercial* disappeared "in a mysterious manner." Commenting on the incident, the *Diario de la Marina* intimated that the director "possessed a tongue" and had been saying that "Troy was going to burn after May 20"—the date on which the second term of President Machado commences.<sup>50</sup>

Following the re-election of Machado, Dr. Orestes Ferrara, Cuban Ambassador at Washington, gave out an interview in New York, in which he listed the promises which Machado should carry out as a result of his election. These included:

"Public liberties, absolutely indispensable for the good functioning of public life. . . and also, upon the basis of the mutual respect for parties of the government and of the opposition, the reorganization of parties in order that the professional politician will disappear."<sup>51</sup>

The last incident took place on February 27, 1929. On this date the government arrested nine persons charged with organizing an armed movement to prevent the continuation in power of the present government.<sup>52</sup> President Machado declared that these men had been arrested because of "anti-patriotic and insidious" propaganda.<sup>53</sup> According to a statement of the Chief of Judicial Police, March 6, 1928:

"These persons, as well as many others whose identity is being sought, have been and are without doubt those who have brought about the prevailing state of affairs, and who either as leaders or mere executors have supported the movement, writing and personally distributing articles, proclamations, manifestos and handbills, sending letters, attending secret meetings—calling themselves 'new revolutionary Cubans' and confessing—some of them—to participation in an illicit plan to obtain the change and substitution of the present government.

"From the findings of the police it is evident that the association, 'Nationalist Union,' is illicit because its principal object has come to be that

of committing crimes foreseen and punished in existing laws, in attempting to overthrow and substitute the present Government by dissolving its Council of Secretaries and impeding by force the promulgation of the laws of the Republic, among which is that called 'prolongation of powers'; and even attacking the Chief of State and the integrity of the country, as was manifested by the documents found in the rooms of the Association, with the following title: 'Juridical Allegation and Civic Exposition to the Department of State of the United States. . . .' This allegation ends with the following paragraph:

"Given the relations of true friendship existing between both countries, and the Permanent Treaty which formed part of the Constitution of the new Republic, we believe it to be a thousand times more patriotic, dignified and proper to address you this petition which will surely be heard, soliciting armed intervention, than to contribute by indifference and inactivity to the possibility of events of perturbation, destruction and of blood."<sup>54</sup>

The Chief of Judicial Police published a list not only of those actually charged with offense, but including about 300 others, living in various parts of Cuba, "against whom the agents of the Judicial Police are attempting to find legal proofs. . . ."<sup>55</sup>

One of the men arrested, Dr. Vergara, denied that a plot existed against President Machado, or that a revolt was planned to bring about the intervention of the United States. He represented the University of Havana students who sought administrative changes through the avenues of law and order. In a statement made in New York, Mr. Octavio Seigle, a founder of the Cuban Nationalist party, declared that there was no plot against President Machado's life but that the President had used this means of silencing his opponents. He charged President Machado with a policy of terrorism.<sup>56</sup> President Machado, through his secretary, made a reply in the *New York World* stating:

"... the Cuban Government is supported by the people and all the political parties. Persons entirely discredited here and guided by their animosity and passions also divulge slander and falsehood in New York. . . . Absolute peace and faith in its Government and President exist in all the nation."<sup>57</sup>

49a. *El Cubano Libre* (Havana), August 6, 1928.

50. *Diario de la Marina*, February 22, 1929.

51. *Diario de la Marina*, November 11, 1928.

52. Cf. the charge of the Judge of Instruction. *El Mundo*, March 2, 1929.

53. *Diario de la Marina*, March 1, 1929.

54. In 1920 the Presidential candidate of the Liberal party—the party to which Machado belongs—went to Washington and asked intervention. Cf. p. 58.

55. *Heraldo de Cuba*, March 6, 1929.

56. *New York World*, March 1, 1929.

57. *New York World*, March 2, 1929.

The same day five Cuban newspapers, *El Mundo*, *Diario de la Marina*, *Heraldo de Cuba*, *El Comercio* and *Excelsior-País*, called the *New York Times*:

"...all serene and constructive criticisms of governmental acts are perfectly guaranteed and exercised. . . . What does not exist are defamatory articles which destroy the decorum of the government and unsettle public sentiment. . . . Order, public peace and compliance with the laws are guaranteed in Cuba by a government that does not mollycoddle agitators. Cuba supports that policy en masse. . . ." <sup>58</sup>

Although the Seigle statement attacking the Machado government was widely circulated by the Associated Press throughout the United States, it was not published in the principal Havana newspapers. <sup>59</sup>

In a manifesto of March 6, 1929 leaders of the *Unión Nacionalista*, headed by Carlos Mendieta, Cosme de la Torriente, Juan Gualbert Gómez, Aurelio Hevia, Aurelio A. Álvarez, Roberto Méndez Peñate and others, stated among other things that "the supporters of the present situation boasted that what they did was done with the enthusiastic approval of the Government of the United States and the applause of its diplomatic representatives." The association felt it necessary to repeat before the country "its protest against the illegal reform of the Constitution, the prolongation of powers, the alteration of the Electoral Code, the non-reorganization of the parties, the impossibility of creating new ones, and everything that had been done recently to establish in Cuba an autocratic, dictatorial and therefore essentially anti-democratic régime."

#### THE SHIPSTEAD RESOLUTION

In view of the Platt amendment, Cuban opponents to the Machado government, as well as some Americans, have expressed the opinion that the United States has certain responsibilities in Cuba; and that these responsibilities extend not only to the protection of foreign interests but also to safeguarding the liberties of the Cuban people.

Thus, Mr. William E. Green, in his capa-

city of President of the Pan American Federation of Labor, in a letter to the Cuban Ambassador of April 14, 1927 declared:

" . . . according to the Platt Amendment the Government of the United States is obligated to use its influence to see that a government is maintained in Cuba which is adequate to protect life and individual liberty as well as property. . . ."

There is a "different relationship" between Cuba and the United States than between these governments and other Latin American republics. <sup>60</sup>

On April 17, 1928 Senator Shipstead submitted a resolution to the Senate of the United States, declaring that the Platt amendment was intended "to afford protection to the liberties of the Cuban people" and to citizens of the United States. He asked that the Senate Committee on Foreign Relations inquire into the question of whether the rights of American citizens in Cuba and the liberties of the Cuban people are being fully protected under the Platt amendment; if not the committee should report to the Senate the reasons for such failure. The resolution then recited the charges made against the Machado administration; namely, that it is a

"...virtual dictatorship under which freedom of speech, freedom of assembly, freedom of petition and electoral freedom have been destroyed. . . ."

"Numerous assassinations, imprisonments, deportations and exiles have taken place.

"Political opposition to the ruling group has been destroyed.

"The National University has been closed, denying to the youth of Cuba the right to higher education and free speech.

"Private property of Cubans and of Americans has been seized without due process of law and without the right of recovery."

The resolution also referred to political interference with the court system and criminal code. It referred to the sale of lottery tickets whereby the national Congress was made "absolutely subservient to the domination and dictation of the executive department—a condition amazing in its defiance of all decency and political honesty and honor."

The Senate Committee was asked to re-

58. *New York Times*, March 2, 1929.

59. I.e., the *Heraldo de Cuba*, *El Mundo*, *Excelsior-País* and the *Diario de la Marina*, did not publish this statement. *The Political Handbook of the World*, 1929, states "there is no opposition press at the present time" in Cuba. Council on Foreign Relations, p. 41.

60. *Proceedings*, p. 51. For the protest of the Cuban Ambassador against this interpretation, cf. p. 59.

port as to what further action was necessary to insure the fulfillment of the obligations assumed by the United States under the Platt amendment.<sup>61</sup>

On the other hand, President Machado has vigorously protested against the intervention of the United States for the purpose of helping the opposition to his government. He has also advocated the repeal of the Platt amendment. On December 31, 1928 he declared that the Platt amendment did not exist.<sup>62</sup>

## THE PLATT AMENDMENT AND THE RESPONSIBILITY OF THE UNITED STATES

In a joint resolution of April 18, 1898 declaring war against Spain, the Congress of the United States declared:

"The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island [Cuba] except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people."<sup>63</sup>

In the Treaty of Paris of December 10, 1898, Spain relinquished "all claim of sovereignty over and title to Cuba."<sup>63a</sup> In 1898 the United States established a military administration in Cuba under General Leonard Wood which lasted until May 1902. This administration was notable because of its campaign against yellow fever and other reforms.<sup>64</sup> In March 1899 Congress passed the Foraker amendment to the military appropriation bill, to the effect that "no property, franchises, or concessions of any kind whatever shall be granted" by the United States in the Island of Cuba "during the occupation thereof by the United States."<sup>65</sup>

In September 1900 an election was held, under the supervision of the military government, for delegates to a constitutional convention which, according to instructions issued by General Wood, should adopt a con-

In an effort to throw historical light on the question of whether or not the United States has any responsibility for the internal situation in Cuba, and whether it has the duty or right of inquiring into the charges made against the present administration, the next part of this report will review the history of the Platt amendment and the interpretations given to it in the past.

stitution for Cuba and should agree with the United States "upon the relations to exist between that government and the Government of Cuba."<sup>66</sup> This convention met in November, and by February 1901 had agreed upon a constitution patterned after that of the United States.

The original draft of this constitution was silent in regard to the future relationship between Cuba and the United States. On March 2, 1901, however, the Congress of the United States enacted what is known as the Platt amendment to the army appropriation act. It authorized the President to "leave the government and control of the Island of Cuba to its people' as soon as a government shall have been established in said Island under a constitution which, either as a part thereof or an ordinance appended thereto, shall define the future relations of the United States with Cuba," substantially as follows:<sup>67</sup>

### ARTICLE I

"The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said Island.

### ARTICLE II

"The Government of Cuba shall not assume or contract any public debt to pay the interest

61. Senate Resolution 201, 70th Congress, 1st Session. The committee has already held hearings relative to one part of the resolution: namely, the Barlow claims.

62. Cf. p. 62.

63. U. S. *Statutes at Large*, Vol. XXX, p. 738.

63a. Malloy, *Treaties of the United States*, Vol. II, p. 1691.

64. Cf. Chapman, C. E., *op. cit.*, Chapter VI; Jenks, L. H., *op. cit.*, Chapter V; Hill, *Roosevelt and the Caribbean*, p. 70.

65. U. S. *Statutes at Large*, Vol. XXX, p. 1074.

66. House Document No. 1, 57th Congress, 2nd Session, 1, 359. Hill, *op. cit.*, p. 70.

67. The following text is the final wording incorporated in the Permanent Treaty of May 22, 1903. Malloy, *Treaties of the United States*, Vol. I, p. 363.

upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the Island of Cuba, after defraying the current expenses of the Government, shall be inadequate.

#### ARTICLE III

"The Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

#### ARTICLE IV

"All acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

#### ARTICLE V

"The Government of Cuba will execute, and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the Island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

#### ARTICLE VI

"The Island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title thereto being left to future adjustment by treaty.<sup>68</sup>

#### ARTICLE VII

"To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States."

### The Cuban Constitutional Convention,

68. On March 2, 1904 the United States and Cuba signed a treaty in which the United States, in consideration of the grants of coaling and naval stations at Bahía Honda and Guantánamo, relinquished in favor of Cuba all claim of title to the Island of Pines. The Senate of the United States failed to act upon the treaty, however, until March 23, 1925. It was finally proclaimed March 24, 1925 (*U. S. Treaty Series*, 709). The delay in ratification was apparently due to the influence of American promoters in the Island of Pines. Jenks, *op. cit.*, p. 147.

through a committee, objected vigorously to these provisions, on the ground that "they impair the independence and sovereignty of Cuba." It proposed a compromise omitting Article III, which granted the United States the right of intervention. While the United States declined to accept the compromise, General Wood on April 3, 1901 conveyed to the convention an interpretation of Article III from President McKinley as follows:

"You are authorized to state officially that in the view of the President the intervention described in the third clause of the Platt amendment is not synonymous with intermeddling or interference with the affairs of the Cuban Government, but the formal action of the Government of the United States, based upon just and substantial grounds, for the preservation of Cuban independence, and the maintenance of a government adequate for the protection of life, property, and individual liberty, and adequate for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States."<sup>69</sup>

Still unsatisfied, the convention on April 13 decided to send to Washington a commission headed by Dr. Méndez Capote. This commission held conferences with President McKinley and Secretary of War Root. Returning to Havana it presented a report on May 6 to the convention which contained a summary of a number of interviews with Secretary Root. In these interviews Secretary Root was reported to have declared as follows in regard to Article III:<sup>70</sup>

#### SECRETARY ROOT'S INTERPRETATION

"The United States Government does not wish and is not attempting to intervene in the Cuban Government. There are no profits to be obtained there nor glories to be conquered, and the United States is beginning to withdraw its troops. Let the Cubans be firmly convinced that this clause is aimed solely and exclusively at the good of Cuba. This clause is simply an extension of the Monroe Doctrine, a doctrine which has no international force recognized by all nations. Cubans accept the Monroe Doctrine, and Clause IIIa<sup>71</sup> is the Monroe Doctrine, but with international force. By virtue of this clause the Euro-

69. Cf. "The Origin and Purpose of the Platt Amendment," *American Journal of International Law*, Vol. VIII (1914), p. 590.

70. The text in Spanish of this interview was published by the Cuban Government in 1918. "Informe de la Comisión Designada para Entrevistarse con el Gobierno de los Estados Unidos, Dando Cuenta del Resultado de sus Gestiones." *Documentos M. Num. 72. Senado Memoria*, 1902-1904, p. 465-479. Havana, 1918. The translation is our own. Apparently an official English text of this interview has never been published.

71. Clauses III and VI in the Permanent Treaty. Cf. p. 48.



pean nations will not question the intervention of the United States in defense of Cuban independence. The first and third bases preserve the United States from seeming to be the aggressor when it faces other nations to defend the independence of Cuba. These clauses signify, further, that no nation may menace Cuban independence without preparing to combat the United States. Any nation which attempts to intervene in Cuba will have to declare war on the United States, thus becoming the aggressor, a position which gives the United States obvious advantages under international law. This difference in position is of great value and Cubans should not be left in ignorance of the benefits accruing to Cuba. Good diplomacy for a nation consists in commanding such a position that when it becomes involved in a conflict, the other nation shall be the one considered to have violated the law. And the clauses referred to place the United States on the right side of the law with respect to any other nation which may attempt to endanger the independence of Cuba. These clauses do not give the United States greater rights than it had at the time of its recent intervention—rights which it has already exercised. Clause IIIa does not grant new rights, but it does give to the United States better facilities than those inherent in the Monroe Doctrine for the defense of Cuban independence. The letter to General Wood and the telegram with reference to said Clause IIIa [he reads both documents] indicate that said clause does not signify either interference or intervention of any sort in the Government of Cuba. And with respect to Clause VIa<sup>71</sup> notwithstanding the coaling stations, the United States will be as foreign to the Government of Cuba as it would be without the stations. Intervention in Cuban affairs will be resorted to only in case of great disturbances, similar to those which occurred in 1898, and with the sole and exclusive object of maintaining Cuban independence unimpaired. Intervention will only take place to protect the independence of the Cuban Republic from foreign attack, or when a veritable state of anarchy exists within the republic. This clause does not diminish Cuban independence; it leaves Cuba independent and sovereign under its own flag. The United States will only come to the rescue in extreme cases to help Cuba to preserve its absolute independence, and God grant that this extremity never be presented. It [the clause] may even come to be forever unknown by the masses of Cubans, its existence being known only to students of political history. . . .”

Subject to this interpretation, the Cuban Constitutional Convention agreed on June 12, 1901 to include the Platt amendment as an appendix to the Constitution. The Platt amendment was embodied in a Permanent

Treaty between the United States and Cuba on May 22, 1903. The reciprocity treaty between Cuba and the United States, signed on December 11, 1902, providing for the reduction of duties on products from both countries, was a factor which facilitated the conclusion of the Permanent Treaty.<sup>72</sup>

In his message of December 1902, President Roosevelt said: “Cuba lies at our doors, and whatever affects her for good or for ill affects us also. So much have our people felt this that in the Platt Amendment we definitely took the ground that Cuba must hereafter have closer political relations with us than with any other power. Thus in a sense Cuba has become a part of our international political system.”<sup>72a</sup>

The article of the Permanent Treaty of 1903 which the United States has most employed is Article III, relative to intervention. The American Government has used this article to throw its influence against revolution in Cuba on at least five occasions. It has also employed this article to protest against certain features of the internal administration of the country.

#### ROOSEVELT'S “FORCIBLE INTERVENTION”

The first President of Cuba was Estrada Palma, who was elected in 1902 for four years. During his first term he followed a non-partisan policy, choosing cabinet members irrespective of political affiliations. But in 1905 the President decided to affiliate himself with the Moderate party. By a series of manoeuvres, he manipulated the election law so that the forthcoming elections would be exclusively controlled by the party to which he then belonged. Guards stationed at the polls and election officials in many instances denied Liberals the right to vote in the preliminary election. And in preparation for the final election the government registered at least 150,000 fictitious names.<sup>73</sup> Under these conditions, many Liberals declined to go to the polls, and in

72. Jenks, *op. cit.*, p. 133. The question is frequently referred to in the report of the Constitutional Committee of 1901. *Senado Memoria*, 1902-1904 cited. The actual effect of the reciprocity treaty cannot be discussed here, but may be discussed in a later *Information Service* report.

72a. Richardson, J. D., *Messages and Papers of the Presidents*, Vol. 10, p. 535.

73. House Document No. 2, 59th Congress, 2nd Session, II, 453; Hill, *op. cit.*, p. 89.

the final election not a single Liberal candidate was successful.

In the fall of 1905 the Liberal candidate, José Miguel Gómez, went to the United States where he stated:

"... the United States has a direct responsibility concerning what is going on in Cuba. Estrada Palma can continue at the head of the government only by telling the people that in case of disorder or revolution the United States will immediately send troops to chastise the insurrectionists and sustain his power. The United States is under the duty of putting an end to this situation. . . ." <sup>74</sup>

Following the inauguration of President Palma in the spring of 1906 for a second term, a revolution broke out.<sup>75</sup> American commissioners who subsequently went to the Island reported that the cause of the insurrection was to be found "primarily in the election." This insurrection could not have been organized "had there not been some real feeling of injustice and outrage on the part of the less educated and poorer classes."<sup>76</sup>

By fall the insurrectionists had assembled about 15,000 troops. On September 8 President Palma requested President Roosevelt to send two warships, since the government was unable to protect life and property. President Roosevelt acquiesced, but expressed the opinion that it was "a very serious thing to undertake forcible intervention." And when 125 men were landed in Havana at the request of President Palma and the American Chargé, instructions were wired that no armed force was to be landed "under any circumstances . . . except under order from the Department of State." The American troops were thereupon withdrawn.<sup>77</sup>

#### PROVISIONAL GOVERNMENT IN CUBA

On September 14 the American Consul-General cabled that President Palma and his Cabinet had decided to resign and that the

Vice-President refused to accept the office. The Consul-General declared that it would be impossible for the Cuban Congress to meet since no one had the authority to convene it; anarchy threatened Cuba, therefore, unless the United States acted. President Roosevelt decided to send William H. Taft, Secretary of War, and Robert Bacon, Acting Secretary of State, to Havana. The news of this appointment immediately ended hostilities in Cuba. The American commissioners attempted to induce Palma to retain office. They suggested that a new election be held in three months under laws prepared by a commission containing at least one American. Palma nevertheless insisted on tendering his resignation. Despite repeated efforts of the American commissioners, backed by President Roosevelt, to restore Cuban authority, it was finally decided that the establishment of a provisional government by the United States was necessary. The establishment of such a government, with Secretary Taft as Provisional Governor, was announced on September 29, 1906. Taft was supported by a force of about 6,000 men; 18,000 soldiers were en route. The insurgent and government troops now surrendered their arms and disbanded. An amnesty to the rebels was granted and political prisoners were released. On October 13, 1906 Charles E. Magoon became Governor. The American occupation remained in Cuba for a period of a little more than two years.

In the proclamation creating this government, it was stated that "in so far as consistent with the nature of a provisional government established under the authority of the United States, this will be a Cuban Government conforming, as far as may be, to the Constitution of Cuba. The Cuban flag will be hoisted as usual. . . ." <sup>78</sup> Nevertheless, the Provisional Governor issued a decree suspending meetings of the Legislature on the ground that the Congressional elections had been so tainted with fraud "as to render them illegal." Legislative authority was vested in the Governor.<sup>79</sup> The American Government appointed the Cuban chief clerk of each department as Secretary of State of that department. As an adviser

74. Chapman, *op. cit.*, p. 190. In certain respects the present situation in Cuba offers an analogy to the 1906 situation.

75. The American Legation in Havana had "foreshadowed" the revolution as early as February. *Foreign Relations*, 1906, p. 454.

76. House Document No. 2, 59th Congress, 2nd Session, II, 456; Hill, *op. cit.*, p. 91.

77. House Document No. 2, 59th Congress, 2nd Session, I, 378, 482; Hill, *op. cit.*, p. 94.

78. *Foreign Relations*, 1906, p. 491.

79. *Annual Report of the Provisional Governor of Cuba*, Senate Document 155, 60th Congress, 1st Session, p. 20.

to each Secretary of State, a United States military officer was appointed. Altogether there were eight military advisers to the executive government. In addition, sixteen army officers occupied subordinate positions in the Department of Justice, Claims Commission, and Election Bureau; six officers were in the Department of Government, five in the Department of Public Works, eleven in charge of road work, four in the Department of Sanitation, and eight in the Rural Guard—or a total of fifty-eight. There were also a number of civilians in the government, such as Judge Otto Schoenrich.<sup>80</sup>

The American Government brought about the reorganization of the Cuban Rural Guard by appointing American military officers as advisers to the commanders of the guard. Another officer became Director of the Census. An Election Bureau, headed by Colonel Enoch H. Crowder, supervised Cuban election machinery. Under its auspices, two elections were held in 1908. During the August election the Rural Guards were placed at the disposal of the provincial governors, six in all, who were also American military officers. The actual elections did not, however, take place under any form of military surveillance, although a Cuban policeman was stationed in the vicinity of each poll.<sup>81</sup>

The American Government apparently had no control over the Cuban courts. Nevertheless, the Governor decreed that offenses of American soldiers and sailors should be tried either by court-martial or by provisional courts set up by the administration. The American occupation established an Advisory Law Commission, composed of nine Cubans and three Americans, and having Colonel Crowder as chairman. It revised many laws of the Island, including an election law.<sup>82</sup>

Magoon was criticized for granting pardons and concessions too liberally and for filling offices with local politicians without

regard to their merit. He was also charged with running up a deficit in the government.<sup>83</sup> Large expenditures were defended on the ground that they went into needed public works. After the departure of the provisional government, the Cuban Cabinet cancelled a large number of the concessions Magoon had granted, on the ground that they were "based on profound immoralities." Two American writers have, however, come to the conclusion that the Magoon administration was honest.<sup>84</sup> But one of them, Mr. Jenks, stated that the belief in Cuba that the "second intervention was thoroughly corrupt, is a fact which is of great consequence."

Following elections in November 1908 and the inauguration of President Gómez,<sup>85</sup> the American forces were withdrawn.

#### KNOX AND THE "PREVENTIVE" POLICY

Three years later another situation developed that led to action by the United States. In 1912 the Veteranist organization demanded that the administration remove from office Cubans who had fought on the side of Spain in the war of 1898. After long negotiations between the government and the Veteranist organization over this question, the Veteranists threatened to revolt. On January 16, 1912 the United States dispatched a note declaring that the situation caused the United States "grave concern." The President of the United States looked to the President of Cuba "to prevent a threatened situation which would compel the Government of the United States, much against its desires, to consider what measures it must take in pursuance of the obligations of its relations to Cuba."<sup>86</sup> Four days later the association and the government signed an agreement settling the dispute. The last article de-

80. *Annual Report of the Provisional Governor of Cuba*, House Document, 1457, 60th Congress, 2nd Session, p. 102. Apparently these advisers actually administered the departments. *Ibid.*, p. 80.

81. Governor Magoon declared: "I believe that at no time or place in all history has there been a purer, quieter or more honest election. . . . They establish conclusively that the Cubans, under proper conditions, can and will conduct proper elections and accept the results." *Ibid.*, p. 36.

82. For the final report of Governor Magoon, cf. *Government of Cuba, Supplementary Report*, 1908-1909, Senate Document 80, 61st Congress, 1st Session.

83. For the Cuban point of view, cf. Roig de Leuchsenring, "La Enmienda Platt," 29 *Cuba Contemporanea*, 1922, p. 197, 305. In another paper Roig de Leuchsenring says: "When Commissioners Taft and Bacon intervened in Cuba we did not know administrative corruption. Estrada Palma, with all his political defects, which were great, was an honorable and austere administrator of public affairs. When Magoon and the North American provisional government came, our administrative methods became corrupt and perverted." *Análisis y Consecuencias de la Intervención Norteamericana en los Asuntos Interiores de Cuba*. Havana, 1923.

84. Chapman, *op. cit.*, p. 255; Jenks, *op. cit.*, p. 98.

85. *Foreign Relations*, 1908, p. 44. The date of withdrawal was January 28, 1909. Gómez had been the candidate against Palma in 1905.

86. *Ibid.*, 1912, p. 241.



clared that, with the publication of this agreement, "there will be no justification for any intervention in our internal affairs by the United States, to whose honor and loyalty as well as to its own patriotism the Cuban people trusts its peaceful development."

About the same time the Independent Party of Color, a negro organization, complained that while its existence had been recognized by the Magoon administration, the Gómez administration had debarred it from putting a ticket in the field. The Morúa law, in fact, forbade the formation of a party based on race.<sup>87</sup> Leaders of the party had been arrested in the spring of 1910 on the charge of "inciting rebellion," and the government had "indirectly" said that the arrest of these negro leaders had been in obedience to "indications from Washington."<sup>88</sup> In January 1912 the Colored party decided to send a delegation to Washington to present their grievances. After the Cuban Government had broken up a meeting of the party, one of its leaders wrote to the American Minister:

"Weary of injustice and abuses, we look to the protection of your government under Article III of the Platt Amendment."<sup>89</sup>

Following reports in May 1912 that small parties of negroes had come in conflict with the authorities and that President Gómez would not be able to "guarantee absolute protection" to foreign property, Secretary of State Knox issued a note "in the hope of somewhat steadying the situation and thereby assisting the Government of Cuba to put down the present uprising." This note stated that the United States had ordered several warships and 500 marines to the naval station at Guantánamo, "simply in order that, in case of necessity, protection may be accorded to the Americans in the vicinity."

President Gómez protested that this action "alarms" the Cuban people, and had not been taken as a result of previous agreement between the two governments. The Government of Cuba was "quite capable and sufficiently supported by the valor and patri-

otism of its people to annihilate a few rebels without a cause and without a flag."<sup>90</sup>

On May 27, 1912 President Taft declared that sending troops to Cuba was not a measure of intervention, but a "precaution." He was "sincerely gratified to learn of your government's energetic measures to put down the disturbances." Reiterating this distinction between "intervention" and the landing of marines to protect foreign interests, Secretary Knox declared:

"This government does not undertake first to consult the Cuban Government if a crisis arises requiring a temporary landing somewhere to protect life and property on the broad principles of international practice."<sup>91</sup>

On June 5 the United States landed four companies of marines. Mr. Knox explained: "This action has been taken as a measure of protection only and not for the purpose of putting down the insurrection, which is clearly the duty of Cuba." He warned that continued failure on the part of Cuba to protect life and property "will inevitably compel this government to intervene in Cuba under and in response to its treaty rights and obligations."<sup>92</sup>

In a long communication of June 8, 1912, the Cuban Minister for Foreign Affairs, Manuel Sanguily, declared to the American Minister, A. M. Beaupré, that the Cuban Government had the "duty to judge the acts of others which so profoundly and absolutely concern us." The Cuban Government had not, he said, failed in "its earnest endeavor . . . adequately to protect the lives and property of American citizens"; it was a "notorious fact" that no American property had been destroyed nor had the life of any American "been endangered prior to the landing of the American marines." In fact the Cuban Government had suspended military operations because of the pressure brought by foreign property owners, "with their clamors for protection. . . ." <sup>93</sup> Nevertheless, fighting continued and the United States ordered two more warships to Havana.

90. *Ibid.*, 1912, p. 245, 249.

91. *Ibid.*, 1912, p. 250.

92. *Ibid.*, p. 254. The British Minister in Havana declared that unless American or Cuban protection was forthcoming for British nationals, he intended to cable "the Foreign Office in London to urge that representations be made in Washington with a view to having forces of American troops assigned to various British properties in the disaffected districts." p. 256, also, p. 245, 264. Cf. also *Ibid.*, 1917, p. 366.

93. *Ibid.*, 1912, p. 258.

87. Cf. Article 295, *Código Electoral*, 1919.

88. *Ibid.*, 1912, p. 243.

89. *Ibid.*, p. 244.



A story was circulated in Havana that the United States was going to send a representative "to look into the justice of the negroes' demands" and that if he so advises "the American Government will insist that the negroes be given the upper hand in the government."<sup>94</sup>

About this time a representative of President Gómez went to Washington and informed Secretary Knox "that it was particularly important that the Cuban Government itself should put down the insurrection in order to discourage future insurrections based on a hope of provoking American intervention." While Secretary Knox declined to withdraw American naval forces, he issued a statement, June 14, 1912, declaring that the United States had merely acted to protect American life and property, "irrespective of the special relations of the United States and Cuba and unrelated to the possibility of intervention. . . . The spirit of these measures has been well called a 'preventive' policy. . . ." The revolt came to an end in July 1912.

#### LANSING AND THE PLATT AMENDMENT

Four years later the United States was again confronted with the question of intervention. In 1916 President Menocal was re-elected to office, despite a promise to hold office for only one term. After an election campaign in which violence was done on both sides, the opinion was freely expressed that the Liberal candidate, Zayas, had won.<sup>95</sup> But suddenly local boards stopped sending in returns to Havana and six weeks later it was announced that Menocal had been re-elected. Declaring that the ballots had been tampered with, the Liberals went to the Supreme Court, which upheld their contention. Meanwhile it was discovered that the election packages in the Santa Clara and Oriente provinces had "disappeared." The government finally agreed that a new election should be held in these two provinces but declined the suggestion of the Liberals that the United States be asked to supervise the elections or that other impartial machinery for this purpose be established.<sup>96</sup> Be-

lieving that it would be useless to participate in any elections held under government supervision, the Liberals embarked on a revolt which lasted for about seven months. Meanwhile the Washington government made its attitude known. On January 26, 1917 Secretary Lansing warned against any action which would upset "the extremely good economic conditions" in Cuba.<sup>97</sup> On February 13 he referred to the "duties which are incumbent" upon the United States "on account of the agreement between the two countries."<sup>98</sup> The United States now sent several warships to Cuba. On February 18 the United States declared that it supported "constitutional government" in Cuba and that it considered armed revolt as a "lawless and unconstitutional act."<sup>99</sup>

On March 7 Mr. Lansing urged that President Menocal call "constitutional elections" in the Oriente province when the revolt had ceased.<sup>100</sup> On March 10 he suggested that peaceful conditions might be sooner restored if General Crowder investigated and adjusted the election question.<sup>101</sup> On March 23 a report that the United States was considering taking steps in behalf of the rebels was denied, and on May 15 Mr. Lansing declared:

"As the Allied Powers and the United States must depend to a large extent upon the sugar production of Cuba, all disturbances which interfere with the production must be considered as hostile acts, and the United States Government is forced to issue a warning that unless all those under arms against the Government of Cuba return immediately to their allegiance it may become necessary for the United States to regard them as its enemies and to deal with them accordingly."<sup>102</sup>

On May 7, 1917 the Cuban Congress declared Menocal re-elected. American troops were withdrawn from Cuba in 1922.<sup>103</sup>

The last revolution against "constitutional authority" in Cuba came in April 1924. The revolt was led by the Veteranist organization against President Zayas. While the

97. *Ibid.*, p. 351.

98. *Ibid.*, p. 356.

99. *Ibid.*, p. 363.

100. *Ibid.*, p. 378. Cf. also dispatch of March 1, p. 371.

101. On March 2 President Menocal had expressed a willingness to have General Crowder investigate the election question. *Ibid.*, p. 373, 382.

102. *Ibid.*, p. 407.

103. Chapman, *op. cit.*, p. 388.

94. *Ibid.*, p. 264.

95. Chapman, *op. cit.*, p. 347, 354.

96. *Foreign Relations*, 1917, p. 387, 388.

diplomatic correspondence between the United States and Cuba covering this period has not been published, the attitude of the United States was made known by the imposition in May 1924 of an arms embargo, which made it illegal for the rebels to secure arms in the United States but allowed the Zayas government to do so.<sup>104</sup> The revolution soon collapsed.

Thus there have been at least five revolutions or attempts at revolution in Cuba since the country gained its independence. In each case the United States has apparently thrown its influence against the revolution. Some times the end has been secured merely by a warning; in other cases, by the actual landing of marines to protect foreign interests; and in the Palma intervention by actually taking over the entire government of the country. The United States has also, under the Platt amendment, gone further than merely attempting to protect foreign interests by the above means.

#### SANITATION

The United States has made representations to the Cuban Government to the effect that Article V of the Platt amendment has not been observed. This article provided that Cuba would execute plans already devised or "other plans to be mutually agreed upon" for the sanitation of cities. The Cuban Congress delayed for two years in adopting the recommendations of President Palma in regard to sanitation, and, following the outbreak of epidemics in 1904, the United States informed the Cuban Government that unless an efficient system of sanitation was carried out before the next quarantine season, the United States would find it necessary to "declare quarantine against Cuban ports." During 1905 the United States made repeated representations to the Cuban Government asking for effective sanitary regulations.<sup>105</sup> As a result of these representations the Cuban Government enacted regulations in March 1906 restoring the sanitary rules laid down by the American occupation.

Apparently the United States has interpreted Article V as giving it the standing

right to call insanitary conditions in Cuba to the attention of the Cuban Government. Thus it recently sent notes in regard to the disposition of sewage in Havana.<sup>106</sup> This interpretation has been disputed by one Cuban who asserts that Article V of the Permanent Treaty was fulfilled when Cuba put into force the sanitary regulations drawn up by the American occupation.<sup>107</sup>

#### FINANCE AND CONCESSIONS

In Governor Magoon's final message, January 28, 1909, he stated that he was directed by the President of the United States to declare that the United States considers that Article II of the Permanent Treaty forbids the Government of Cuba to assume or contract any public debt in excess of, or in addition to, the debt already contracted or authorized.<sup>108</sup>

While the United States has not apparently stood by this interpretation, it has exercised an indirect influence from time to time upon Cuban finance. And on at least one occasion the Cuban Government has requested the aid of the United States in a financial matter. Thus when France, England and Germany jointly made demands upon the Cuban Government in connection with claims of foreigners arising out of the war of 1895-98, the Cuban Government, in a note of February 9, 1912, declared to the United States that "if the Platt amendment and the treaty in which it was embodied give the United States the right to intervene in our country in certain circumstances, those instruments likewise particularly impose upon it the obligation to defend us when those who are stronger than we menace us for reasons that are opinionable and debatable."<sup>109</sup> An agreement to arbitrate was subsequently drafted.<sup>110</sup>

In 1911 the Cuban Government authorized the Cuban Ports Company to perform dredging work in return for revenue secured from tonnage and port dues over a period of thirty years. In a note of June 11, 1912, the American Government raised the ques-

104. Chapman, *op. cit.*, p. 478.

105. House Document No. 1, 57th Congress, 2nd Session, I, 333, 265; Hill, *op. cit.*, p. 84.

106. Luis Machado, *La Enmienda Platt*, p. 43.

107. *Ibid.*, p. 40-42.

108. *Supplemental Report, Provisional Governor of Cuba*, p. 9.

109. *Foreign Relations*, 1912, p. 281.

110. A dispute arose, however, over the procedure to be followed. *Ibid.*, 1913, p. 341.

tion of the "validity of the contract under the Platt Amendment." It protested against the financial part of this concession on the ground that "it seriously affects the ability of the Cuban Government to defray the expenses of administration if deprived of these revenues" for a period of thirty years. Therefore, it was necessary to modify the concession "so that if such revenues are needed at any time during the period of the concession, the Government of Cuba should have the right to terminate it upon terms which are just and fair. . . ." <sup>111</sup> The concession was thereupon amended.

In August 1913 President Menocal cancelled the concession held by the Cuban Ports Company, then owned by foreign interests, on the ground that it had been illegally organized. His action was sustained by the Cuban Supreme Court. <sup>112</sup> The American State Department protested against this action and expressed fears that "the attitude of the Cuban Government in this matter would seriously impair the credit of Cuba." <sup>113</sup> In reply, the Government of Cuba declared that "the so-called Platt Amendment is not involved in this matter." The question at issue was "merely whether the holders of securities of the Cuban Ports Company have or have not any rights in the premises, and if so, what those rights are, a question still to be settled by the courts of Cuba in the suit brought by the bondholders." <sup>114</sup>

Notwithstanding this protest, the Cuban Government in October 1917 made a settlement which was acceptable to the company. President Menocal declared that the settlement of this question would "contribute in no little part to the better and more expeditious accomplishment of the important bond issue of \$30,000,000 which the Republic needs. . . ." <sup>115</sup>

Another concession which at first brought forth objections from the State Department was the Zapata swamp concession. In 1912 the Cuban Government granted the rights to certain forests and lands in the Zapata

swamp to the Agricultural Company of Zapata, on condition that it reclaim the swamp for agricultural purposes within eight years. Secretary of State Knox protested that the Zapata swamp concession "seems to be so clearly ill-advised a project, so improvident and reckless a waste of revenue and natural resources, that this government is impelled to express to the Government of Cuba its emphatic disapproval of the same. . . ." <sup>116</sup>

In reply President Gómez declared that the Platt amendment did not "authorize or signify meddling in internal affairs, subjecting the acts of the administration to control or tutelage; for such a supervision or censorship would be destructive of the independence and dignity of the Republic. . . ." <sup>117</sup>

Quoting Article III of the Permanent Treaty, Mr. Knox replied:

"Clearly this right of intervention . . . entitles this government to caution the Cuban Government against adopting an improvident or otherwise objectionable fiscal policy on the ground that such policy might ultimately, either by itself or in connection with general conditions in Cuba, produce a situation there requiring the United States to intervene for any of the purposes recited in this article. . . ." <sup>118</sup>

As a result, President Gómez suspended the decree. Following information that an American contractor was involved in the company holding the concession, that there was little timber in the swamp and that the exclusive purpose of the company was to reclaim the land for agricultural purposes, the State Department withdrew its objections to the Zapata concession as finally amended. <sup>119</sup>

In 1911 the State Department protested against a concession for a bridge across the entrance to the port of Havana, on the ground that the "project is inadmissibly detrimental to the vital interests of both Governments." <sup>120</sup> On June 11, 1913 Secre-

116. *Ibid.*, 1912, p. 311. This protest followed a dispatch from the American Minister in Cuba to the effect that the concession could be objected to upon the basis of Article V of the Platt amendment regarding sanitary plans. *Ibid.*, p. 310.

117. *Ibid.*, p. 312.

118. Note of August 15, 1912; *Ibid.*, p. 315. He added that the United States was justified in urging upon the Cuban Government the advisability of "reforming and modifying any objectionable projects in order to guard in every possible way against the eventualities contemplated in this article."

119. *Foreign Relations*, 1912, p. 317; *Ibid.*, 1913, p. 366. Subsequently the Cuban company transferred its rights to a Delaware corporation. The American contractor stated that this transfer had been made in accordance with an agreement with the State Department. The Department replied that it did not recollect such an agreement. *Ibid.*, p. 369.

120. *Ibid.*, 1912, p. 376.

111. *Ibid.*, 1917, p. 439.

112. *Ibid.*, p. 442. British interests were involved and the British Government solicited the good offices of the United States to protect these interests. *Ibid.*, p. 444.

113. *Ibid.*, p. 444.

114. *Ibid.*, p. 451.

115. *Ibid.*, p. 455.

tary Bryan stated: "It was not claimed at the time that the Platt amendment gave this nation a right to do more than protest against such an enterprise."<sup>121</sup> He supported, however, the objection which had been made by Mr. Knox. In June 1912 the Cuban Government repealed the bridge concession. In December the State Department declared that in view of changes in the plans of the contractors, it would withdraw its objections. The Cuban Government declined, however, to restore the concession.

When the State Department received news that the Cuban Congress was considering giving British capitalists the Caibarien-Nuevitas railway concession, it telegraphed (March 5, 1912) urging the postponement of action and "emphasizing the burden it would impose on the Cuban Treasury in favor of capital which is neither American nor Cuban."<sup>122</sup> The concession involved a subsidy. On May 14 the Department cabled that it could not "give its approval to the railway project" if it understood it correctly. This led the Cuban Secretary of State to say he could not conceive that "in the present legal status of the relations between Cuba and the United States, any Cuban law, and much less any bill, . . . is at any stage pending the approval of the Department of State at Washington."<sup>123</sup>

Thus the United States has protested against acts of the Cuban Government which might impair the general financial condition of the government.

#### ADMINISTRATION OF JUSTICE

A third type of protest, based on the Platt amendment, has been directed against measures relating to the question of justice. In December 1912 the Cuban House of Representatives passed an amnesty bill, applying not only to political offenders but also to ordinary criminals. On January 5, 1913 the State Department declared that the passage of this bill would create the impression that "common crimes were allowed to go unpunished in Cuba" and that "crime

was not dealt with in the manner found necessary in all countries to the adequate protection of life, property and individual liberty."<sup>124</sup>

In the following March, Secretary Bryan repeated the protest. He declared that the bill seemed to be not only

"... an injustice to the American citizens affected, but also to effect such a withdrawal of due protection to property and individual liberty of Cuba as to excite this government's concern. In view of its rights and obligations under the Treaty of Relations of 1903 the Government of the United States expresses its firm conviction that upon final study of this harmful measure the President of Cuba will not permit it to become law."<sup>125</sup>

As a result of this protest, the bill was amended so as to free only political offenders.

#### CUBAN CRITICISM

These repeated protests of the United States against Cuban legislation and concessions aroused considerable feeling in Havana. As early as 1908 a Cuban assaulted Mr. G. C. Tarler, a secretary in the American Legation.<sup>126</sup>

In August 1912 a journalist, Señor Enrique Maza assaulted Mr. Hugh S. Gibson, Chargé of the American Legation. The United States was particularly unpopular with the Cuban press at this time because it had insisted upon the payment of the Reilly claims arising out of a concession granted by Governor Magoon. Mr. Gibson's assailant had been excluded from the American Legation because of "deliberate and vicious falsehoods" in regard to the policy of the United States. After the assault, the American Government wired that it expected the Cuban Government to "take prompt and energetic measures adequately to punish the offender."<sup>127</sup> Following diplomatic correspondence, the Cuban Government asked the Havana newspapers "to cease their campaign of abuse," and Maza was sentenced to imprisonment for two years and six months. In June 1914 the American Minister, William E. Gonzales, informed the State Department that Maza

121. *Ibid.*, 1913, p. 376, 380-1.

122. *Ibid.*, 1913, p. 381.

123. *Ibid.*, p. 383. A dispute subsequently developed in which the British Government contended that the interests of a British company had been violated in favor of a new company. The contention was denied by the United States, and the affair was left by the United States to the Cuban Government. *Ibid.*, p. 405.

124. *Ibid.*, p. 355.

125. *Ibid.*, p. 358, 362.

126. *Ibid.*, 1909, p. 237.

127. *Ibid.*, 1912, p. 269.



was "in reality an irresponsible instrument through which the antagonism of high Cuban officials was expressed." As a result of a letter from Minister Gonzales to President Menocal, Maza was pardoned after serving twenty months of his sentence.<sup>128</sup>

In 1913 the newspaper *Cuba* charged that the American diplomatic representatives in Cuba had enriched themselves through the levying of blackmail and graft. This led the United States to demand "immediate active and adequate prosecution of the persons guilty of the scurrilous and libelous statements." After delays the Cuban Government prevailed upon the editor to retract his charges.<sup>129</sup>

In addition to these irresponsible attacks, other criticisms of the American "preventive" policy were made. In March 1913 Speaker Ferrara introduced into the Cuban Congress a resolution for the appointment of a commission to investigate whether the American Government had made demands harmful to the sovereignty of Cuba. The preamble of the resolution referred to "the repeated notes" from the United States in regard to the amnesty bill, etc., and stated that the action of the United States was a "patent violation of the national sovereignty of Cuba." A second motion asked for an authoritative definition of "the true and rightful scope of the Platt Amendment."<sup>130</sup>

#### IMPORTANCE OF FAIR ELECTIONS

The above account would seem to show that the representations of the United States to Cuba have been concerned primarily with the protection of foreign interests and local finance rather than Cuban liberties. Nevertheless, once the provisional government of the United States was established under Governor Magoon, it attempted to remedy

abuses in internal administration and recognized the importance of fair elections. Two elections were held under the auspices of the American administration, while Colonel Crowder was instrumental in securing the enactment of a new electoral law.<sup>131</sup>

In 1917 Secretary Lansing also realized the importance of constitutional elections, but apparently did nothing to bring them about. In 1919 both the leading parties in Cuba united in asking General Crowder to assist in drawing up a new election law. The result was the Crowder Electoral Code, the main provisions of which have already been described.<sup>132</sup> The first test of this code came in the Presidential elections of 1920. When President Menocal threw the weight of his influence back of Alfred Zayas and the Opposition party, the Liberals appealed to the United States.<sup>133</sup> In a note of August 30, 1920 the United States declared:

"... the exceptionally intimate relations which exist between Cuba and the United States, the fact that the new electoral law is about to be put to the test for the first time, and the additional fact that the United States can be solicited anew by the Cuban people to decide as to the legality of the election, impose upon the Government of the United States the duty to use all available means to follow the course of the elections in Cuba and so to observe the manner in which the precepts of the electoral law are complied with.

"The Government of the United States does not propose to exercise supervision over the elections in the rigorous sense of the word. However, it is bound by treaty to maintain a government in Cuba which is adequate for the protection of lives and property and of individual liberty. It is therefore opposed unalterably to any attempt which may be made to replace by violence or revolution the process of government. It desires, however, to have it emphatically understood that it is no less opposed to intimidation and fraud in the conduct of elections. . . ." <sup>134</sup>

131. Cf. p. 51.

132. Cf. p. 41.

133. Jenks, *op. cit.*, p. 235.

134. Text quoted in Jenks, *op. cit.*, p. 236. The United States maintained semi-official observers at the election. Cf. Spinden, H. J., "Shall the United States Intervene in Cuba?" *World's Work*, XLI, p. 465.

128. *Ibid.*, 1914, p. 190.

129. *Ibid.*, 1913, p. 403, 412.

130. *Ibid.*, p. 363.

## CUBA AND CROWDER'S POLICY

The elections were held amidst bitter feelings and they resulted in the victory of Zayas, the government candidate. The Liberals made charges of fraud and took a number of cases to the courts. Meanwhile a judicial decision was delayed, and the date for the inauguration approached. On January 6, 1921 the United States Government, without giving any formal prior notice to the Cuban authorities,<sup>135</sup> ordered General Crowder back to Havana, as the special representative of President Wilson. General Crowder remained in this capacity for about two years, and attempted to correct abuses in the Cuban Government.

He at once made representations in regard to the court decisions as to the validity of the elections. As a result of his representations, the Supreme Court finally ruled that elections in about 20 per cent of the districts had been fraudulent. General Crowder then suggested that new elections be held. The Liberals, refusing to believe that any elections under government auspices would be fair, stayed away from the polls. As a result Zayas was declared elected. The Liberal candidate, Gómez, then went to Washington and asked the United States to establish a provisional government in Cuba for the purpose of supervising an election. The United States declined the request and recognized Zayas.

In addition to attempting to straighten out the election situation, General Crowder gave advice to the Cuban Government in regard to other problems, notably those connected with financial rehabilitation. On October 11 the Cuban Government declared a moratorium, and on November 30, a few weeks before General Crowder's arrival as the special representative of President Wilson, it was announced in Havana that the United States had appointed a former Under Secretary of the Treasury as Cuban Financial Adviser.<sup>136</sup> This was the first time that the Cuban Secretary of the Treasury had heard of the matter, and he thereupon resigned. After a stay of two weeks, the adviser returned to New York.

He charged the Cuban Government \$50,000 for his services and was paid \$15,000.<sup>137</sup>

In order to straighten out her finances, the Cuban Government sought a foreign loan. But in a note of July 3, 1921 General Crowder advised the State Department to withhold its consent to a loan until Cuba agreed that the American Minister should have the right to inspect the budget and pass on certain finance laws.<sup>138</sup> In October 1921 the Cuban Government finally arranged for a loan of \$5,000,000 with Morgan & Company, subject to the condition that the Cuban Government bring about certain financial reforms. Apparently this loan saved Cuba from default.

In February 1922 the United States asked that the Cuban Government recognize the right of the United States under the Platt amendment to make an investigation of any department of the Cuban Government that it chose. A number of American experts were sent to the Island to investigate the taxation system, banking laws, public works contracts, etc.<sup>139</sup>

In March 1922 General Crowder sent the first of his famous fifteen memoranda which criticized in detail the administration of the Zayas government and called for reform. These memoranda caused the first Zayas Cabinet to resign and led to the appointment of new Ministers, popularly regarded as Crowder's Cabinet. The only memorandum that was published in full was No. XIII.<sup>140</sup> This memorandum insisted that Cuba reduce its budget about half; that Cuba make a foreign loan of \$50,000,000 and that a permanent gross sales tax be enacted. It also insisted that the lottery administration be reformed; that grafting officials be prosecuted; and that a banking system under the control of American stockholders and the Federal Reserve Board be established.<sup>141</sup> Despite vigorous criticisms, the Cuban Congress proceeded to carry out some of these suggestions.<sup>142</sup>

137. *Gaceta Oficial*, January 31, 1921; Jenks, *op. cit.*, p. 334.

138. The text is printed in Roig de Leuchsenring, *Análisis y Consecuencias*, p. 19.

139. Jenks, *op. cit.*, p. 258.

140. This memorandum was published by *Heraldo de Cuba* on August 5, 1922.

141. Jenks, *op. cit.*, p. 261.

142. Chapman, *op. cit.*, p. 438.

135. Chapman, *op. cit.*, p. 407.

136. Jenks, *op. cit.*, p. 233.

In October 1922 General Crowder returned to the United States. In January 1923 he was appointed the first American Ambassador to Cuba. In April 1923 President Zayas dismissed the so-called "Honest Cabinet," although he had promised the United States to keep them in office "indefinitely."<sup>143</sup> One ground for dismissal was that the Ministers were in rebellion against the President. The *Heraldo de Cuba* declared, however, that the Ministers would not countenance dishonesty, and that if the United States interfered, President Zayas would place his case before the Pan-American Conference in Santiago.<sup>144</sup>

Following the appointment of General Crowder as Ambassador and of Mr. Charles Evans Hughes as Secretary of State, the United States abandoned the "preventive" policy.<sup>145</sup> As shown above, the United States did, however, impose an arms embargo upon the rebels in the Veterans outbreak in 1924.

On June 20, 1922 the Cuban Senate protested against the Crowder policy in a resolution, part of which declared:

"When the Platt Amendment was considered by the Cuban Constituent Assembly, it was accepted in the light of the interpretation which the Military Governor of the Island, in the name of the President of the United States, gave in his letter of April 2, 1901; i.e., that it was not synonymous with interference or intervention in the affairs of the Cuban Government.

"The Senate declares that the people of Cuba

desire that the action of the United States Government in our domestic affairs conform to the spirit and the letter of the Platt Amendment, as it was set forth in the interpretation above referred to."<sup>146</sup>

In the preamble to the lottery law of 1923, the Cuban Congress declared that it took this action because of the rumor that if Congress did not pass a law reforming the lottery, the United States would act. The preamble protested against any such threat on the ground that the provisions of the Permanent Treaty had been fulfilled. American intervention would be "illegal" because it was not authorized by the Permanent Treaty and it would be "disturbing" because it would break the strong ties between Cuba and the "Great American Nation."<sup>147</sup>

In 1927, when the Pan-American Federation of Labor protested against labor conditions in Cuba, the Cuban Ambassador, Mr. Orestes Ferrara, declared in regard to the Platt amendment:

"I do not understand . . . that there is any authority, no matter how high, that will have any right to judge our internal actions. . . . We believe that we are the only judges of our internal acts. . . ."<sup>148</sup>

The above account would seem to show that especially between 1909 and 1923 the United States departed from the restrictive interpretation of the Platt amendment made by Mr. Elihu Root in 1901, and adopted what Mr. Knox called the "preventive" policy—the policy of preventive intervention.

143. Chapman, *op. cit.*, p. 443.

144. *Ibid.*, p. 445.

145. Jenks, *op. cit.*, p. 265; Chapman, *op. cit.*, p. 448.

146. Text in Machado, *La Enmienda Platt*, p. 21. For the interpretation of 1901, cf. p. 48.

147. *Gaceta Oficial*, August 4, 1923.

148. *Proceedings*, p. 45.

## CONCLUSIONS

Although the interpretation by the United States of the Platt amendment has varied, one principle seems to stand out as a result of the last thirty years; namely, that the United States is "opposed unalterably to any attempt which may be made to replace by violence or revolution the process of government."<sup>149</sup> The two most important revolutions—August 1906, and 1917—were caused by the efforts of the President to secure re-election and by the belief that the elections were or would be unfairly controlled. In May 1929 President Machado will start his second term; and the question is whether or not a revolution will occur following Machado's effort to imitate the example of Palma and Menocal.

Under the Platt amendment the government in power at Havana has from time to time stated or implied that it was kept in power by or was in the favor of the United States,<sup>149a</sup> while the Opposition, claiming that it could not get a fair hearing at the polls, has frequently taken its grievances to Washington. At least twice in the past the Opposition in Cuba has threatened to start a revolution and deliberately destroy American property, believing this would lead to the intervention of the United States.<sup>150</sup> Apparently this Opposition has believed that such intervention would cause the United States to take steps to correct internal grievances and even to hold a supervised election as it has done in Nicaragua.

Under the Platt amendment there are at least two alternatives open to the United States. The first is the continuance of an

anti-revolution policy without inquiring into the charges that the existing administration is a dictatorship. It is possible that this policy may lead the Opposition in Cuba to embark on a revolution which would deliberately destroy American property for the purpose of provoking American intervention.

Secondly, the United States could inquire into charges against the internal administration in Cuba and actually supervise elections as it has done in Panama and Nicaragua. Specifically, the State Department could decline to recognize the Machado administration when its second term starts on May 20 unless it agrees to hold a new election in which the Opposition may freely participate. This would be a return to the "preventive" intervention policy and would undoubtedly meet the opposition of the Cuban Government,<sup>151</sup> on the ground that this policy violates the Root interpretation of the amendment.<sup>152</sup> Intervention by the United States even for a "humanitarian" purpose might also be attacked abroad on the grounds of "imperialism." Nevertheless, the United States possesses a treaty right of intervention in Cuba which it does not possess in any other Latin American country, except Haiti.<sup>153</sup>

Although Estrada Palma consented to the intervention of the United States in 1906, the Cuban Government in the majority of cases has disputed the interpretation and application of the Platt amendment by the United States. On January 5, 1929 Cuba and the United States became parties to the Pan American arbitration treaty which provides for the arbitration of differences arising out of the "interpretation of a treaty." If the United States attempts to intervene in Cuba under the Platt amendment in the

149. Note of August 30, 1920, p. 57.

149a. It was alleged that in 1921 the United States through General Crowder protested against the proposed amendment increasing the Presidential term to six years, but apparently did not protest in 1927. Cf. p. 39. In a speech at Santa Clara, President Machado declared: "I can assure you upon my word of honor as President of the Republic that if I had received 'diplomatic notes,' unofficial but confidential in character, it was to the effect that the time of two years was all too short but that it was necessary that I should be President for life." *Diario de la Marina*, December 31, 1927, p. 12. This speech has been interpreted to mean that President Machado believes the State Department of the United States supports the continuance of his administration.

150. *Foreign Relations*, 1912, p. 258. In March 1917 Commander Hewitt forwarded a declaration of rebel leaders to the Secretary of the Navy stating that these leaders were now respecting American lives and property but "if the United States does not intervene, they state they intend to start a wholesale campaign of destruction. . . ." They understood the gravity of the course but "were willing to go to any lengths to obtain a justly elected government." *Ibid.*, 1917, p. 389.

151. President Machado has already protested against the attempts of the Opposition to secure the intervention of Washington. Cf. p. 39.

152. The question of whether or not the United States is bound by the Root interpretation may be open to argument. For a similar question arising out of the "interpretations" to the Anti-War Pact, cf. "The Anti-War Pact," *Information Service*, Vol. IV, No. 18, p. 372.

153. Even the Latin American jurist, Calvo, recognized that intervention might take place by virtue of a treaty. Ch. Calvo, *Le Droit International*, Vol. I, p. 269. Joint intervention for humanitarian affairs has taken place in certain countries in the past. Buell, *International Relations*, p. 213. But the difficulty with inter-American intervention in Cuban affairs would be that certain American governments have been charged with being dictatorships, and it is unlikely that they would agree to act against Cuba out of fear that the same procedure might be applied against themselves.



future and if Cuba denies the existence of conditions upon which the United States bases its intervention, will it be possible for Cuba to refer the difference to arbitration?<sup>154</sup>

Finally the United States might terminate the Platt amendment and allow revolutions to take place in Cuba, subject to the use of armed force by the United States only to protect foreign lives. If such a policy led to the destruction of foreign property, the Cuban Government would be expected subsequently to make compensation for such destruction. Such a policy would allow the Cuban people to work out their own salvation as did the American people between 1775 and 1783.<sup>155</sup>

On the initiative of Dr. Ferrara, a Cuban delegate, the Sixth Pan American Conference adopted a convention on treaties containing a provision that if one party to a convention believed that its provisions had lapsed, the difference would be referred to arbitration. This treaty may authorize Cuba to place before an international tribunal the question of whether or not the Permanent Treaty of 1903 has lapsed in accordance with the principle of *rebus sic stantibus*.<sup>156</sup>

#### CUBAN CAMPAIGN AGAINST PLATT AMENDMENT

Since 1918 the Cuban Government has made an effort to have other governments recognize Cuba upon the basis of complete equality. When the American Senate declined to ratify the Treaty of Versailles, the Cuban Government felt that it had an opportunity of demonstrating its freedom from the United States. Consequently it ratified the treaty and became a Member of the League of Nations.<sup>157</sup>

In 1921 the League of Nations elected Dr.

Antonio Sánchez de Bustamante of Cuba as one of the Judges of the Permanent Court of International Justice. In 1923 Dr. Cosme de la Torriente of Cuba, was elected President of the League of Nations Assembly. At the Sixth Assembly of the League of Nations (1925) Señor Cortina, head of the Cuban delegation, distributed a pamphlet in English, French and Spanish on the "International Ideals of Cuba," in which it was stated that the Platt amendment has as "an essential base the maintenance and defense of the independence of Cuba." Any application of the treaty that injured the sovereignty of Cuba "is an infraction of the treaty."<sup>158</sup>

In a speech before the Latin American representatives at the Seventh Assembly, Mr. Cortina declared that Cuba would not consent to be elected then as a non-permanent Member of the Council. It was reported that Cuba took this action following a suggestion from the State Department at Washington. But in a reported statement to the press<sup>159</sup> the State Department denied it had brought any pressure on Cuba, and Señor Cortina also made a denial.<sup>160</sup> At the same time he declared that the Permanent Treaty was a "treaty of guarantee" similar to the Locarno and other guarantee agreements. In 1927 Cuba was, however, elected a non-permanent Member of the Council of the League of Nations.<sup>161</sup>

Havana was the meeting place in January 1928 of the Sixth Pan American Conference and of the Second International Migration Conference in May 1928. President Coolidge paid Cuba the compliment of visiting her shores and in his address opening the conference he stated:

"Today Cuba is her own sovereign. Her people are independent, free, prosperous, peaceful, and enjoying all the advantages of self-government. . . . They have reached a position in the stability of their government, in the genuine expression of their public opinion at the ballot box and in the recognized soundness of

154. This is the argument made by one Cuban writer relative to Article 17 of the Covenant. L. Machado, *La Enmienda Platt*, Chapter XI.

155. The annexation of Cuba by the United States is left out of account. In 1907 Governor Magoon wrote: "During the first three months of the provisional administration there was considerable discussion of the advisability of bringing about the annexation of Cuba to the United States, or the establishment of a protectorate. . . . In spite of the oft-repeated assurances to the contrary, a large number of Cubans fear the annexation of Cuba by the United States over the Island. . . ." *Annual Report of the Provisional Governor of Cuba*, 1907, p. 31.

156. "The Sixth Pan American Conference," Part II. *Information Service*, Vol. IV, No. 9, p. 193.

157. Dr. Cosme de la Torriente, "Las Relaciones de Cuba y Los Estados Unidos," *Revista de Derecho Internacional*, June 30, 1928, p. 271.

158. This letter is published in J. M. Cortina, *Cuba y la Liga de las Naciones*, Havana, 1926, p. 54.

159. *La Prensa*, (Buenos Aires), September 18, 1926.

160. In a letter of October 31, 1927 to Professor Scelle who had published an article to the effect that the United States had advised Cuba not to take a seat on the Council. Cf. Scelle, "Le Bilan de la Septième Assemblée de la Société des Nations," *Revue Politique et Parlementaire*, Vol. CXXIX (1926), p. 81.

161. This election was attacked in France because of the attachment of Cuba to the United States by means of the Platt amendment. Guilaïne, "Les responsabilités Américaines à Genève" *Le Temps*, November 3, 1927.

their public credit that has commanded universal respect and admiration."<sup>162</sup>

A number of Cuban leaders, such as Dr. Cosme de la Torriente<sup>163</sup> and Dr. Orestes Ferrara have asked for the modification of the Platt amendment.<sup>164</sup> The Cuban Society of International Law has asked that the Permanent Treaty of 1903 be converted into a "treaty of alliance."<sup>165</sup>

In his election manifesto of September 1924, Mr. Machado declared that the Permanent Treaty should be modified and that its termination should be secured under the best conditions possible.<sup>166</sup> He repeated these views in an address before the American Arbitration Society in New York, April 27, 1925.<sup>167</sup> In an address at Santa Clara, December 1928, he referred to Cubans who went to Washington to protest, and declared:

"They merely secure derision when they go to Washington and are not recognized by the Secretary of State. . . . They will recognize that the Platt Amendment no longer exists in Cuba

. . . because they will know that this republic is able to safeguard its independence and that in fact the Platt Amendment does not exist, because there is no reason to apply it."<sup>168</sup>

During the Constitutional Convention of May 1928 a resolution was introduced to strike out the Platt amendment from the Cuban constitution, but it was not adopted.<sup>169</sup>

Finally, the suggestion has been made that Cuba be placed under some such international guarantee as the declaration of 1815 gave Switzerland. Any intervention in Cuban affairs would, under such a treaty, presumably have to be undertaken jointly by the guarantors. It may be argued that Cuba's membership in the League of Nations already gives her an international guarantee, and that in case the United States should attempt to intervene in Cuba against the wishes of the government and without some international sanction, the Cuban Government could invoke the provisions of Article 17 of the Covenant.

162. *Report of the Delegation of the United States of America to the Sixth International Conference of American States*, p. 64.

163. Cosme de la Torriente *op. cit.*, p. 271. Cf. also his *Discursos*, p. 74.

164. Cf. an article reprinted from *La Revue de l'Amérique Latine*, reprinted in *Gerardo Machado y Morales, Sus Discursos y Su Obra de Gobierno*, Vol. I, p. 18.

165. *Discursos*, *op. cit.*, Vol. II, p. 61.

166. *Diario de la Marina*, September 10, 1924.

167. *Discursos*, Vol. I, p. 103.

168. *Diario de la Marina*, December 31, 1928.

169. *Diario de la Marina*, May 3, 1928.